

MAR-12-07 10:30AM

FROM-TAUBMAN SIMPSON YOUNG & SULENTOR

562-590-9695

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MATTHEW D. FISCHER

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Of Counsel

LAW OFFICES  
TAUBMAN, SIMPSON, YOUNG & SULENTOR

A PROFESSIONAL CORPORATION  
FOUNDED 1881  
SUITE 400  
ONE WORLD TRADE CENTER  
LONG BEACH, CALIFORNIA 90831-0400

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E.C. DENIO (1864-1862)  
GEORGE A. HART (1881-1867)  
GEORGE P. TAUBMAN, JR. (1887-1970)  
MATTHEW C. SIMPSON (1900-1888)

ROGER W. YOUNG (Ret.)

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DATE: March 12, 2007

TO: U.S. Patent and Trademark Office

FAX (571) 273-8300

FROM: Maria M. Rohaidy  
Taubman, Simpson, Young & Sulentor  
FAX (562) 590-9695  
TEL (562) 436-9201

SUBJECT: Affidavit of Continued Used for Payaso  
Registration No.: 1,667,727

WE ARE TRANSMITTING A TOTAL OF 6 PAGE(S), INCLUDING THIS COVER SHEET.

IF YOU HAVE ANY PROBLEM WITH THIS TRANSMISSION, PLEASE CALL US AT (562) 436-9201. THANK YOU.

COMMENTS: Attached for filing is the Combined Affidavit of Use and Incontestability under Sections 8 and 15 of the Trademark Act for Payaso #1,667,727. The original of this document with the specimens and filing fee of \$800 is being sent by Federal Express on this date under separate cover.

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## TAUBMAN, SIMPSON, YOUNG &amp; SULENTOR

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FOUNDED 1891

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March 12, 2007

Via Facsimile and Fed Ex-Overnight Delivery  
(571) 273-8300U.S. Patent and Trademark Office  
Madison East, Concourse Level C55  
600 Dulany Street  
Alexandria, VA 22313

Re:	Mark:	Payaso
	Registration No.:	1,667,727
	Registrant:	Mercado Latino, Inc.
	International Class No.	32

To Whom it May Concern:

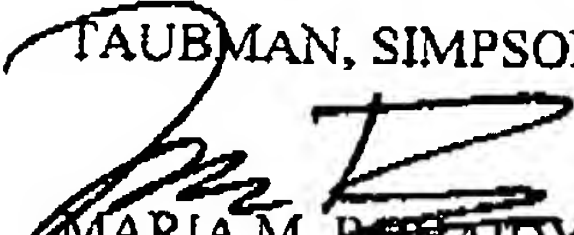
Enclosed please find Combined Affidavit of Use and Incontestability under Sections 8 and 15 of the Trademark Act for "Payaso". Additionally, I have enclosed a check in the sum of \$800 for the costs associated with the Affidavit together numerous specimens of the mark as used in commerce.

I would most appreciate your causing this document to be processed and notifying us of its acceptance as soon as is convenient.

If I can provide you with any further information or documentation, please feel free to call or write to me at the above indicated address or number.

Very truly yours,

TAUBMAN, SIMPSON, YOUNG &amp; SULENTOR

  
MARIA M. ROHAIDY

MMR:bc

Enclosures

**IN THE UNITED STATES DEPARTMENT OF COMMERCE**  
**PATENT AND TRADEMARK OFFICE**

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MAR 12 2007

Registrant: Mercado Latino, Inc.  
Mark: PAYASO (and Design)  
Reg. No.: 1,667,727  
Int. CIS: 029 and 030

Assistant Commissioner for Trademarks  
600 Dulaney Street  
Alexandria, VA 22313

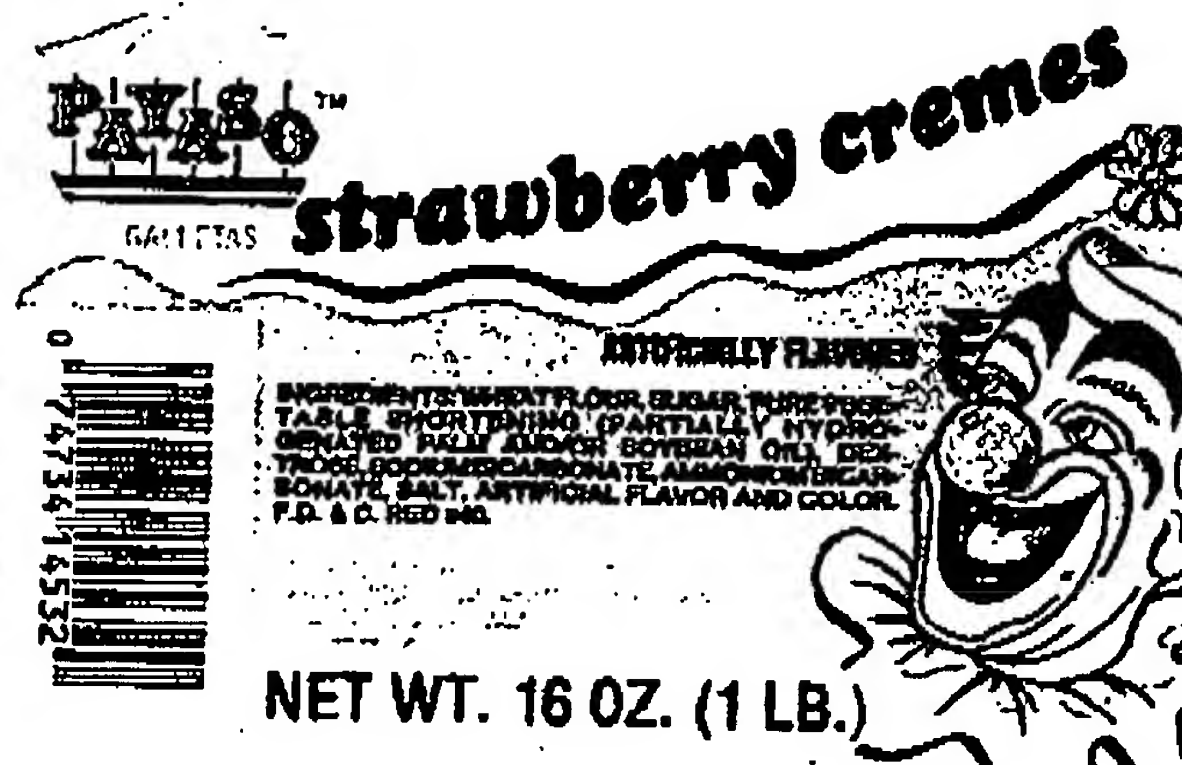
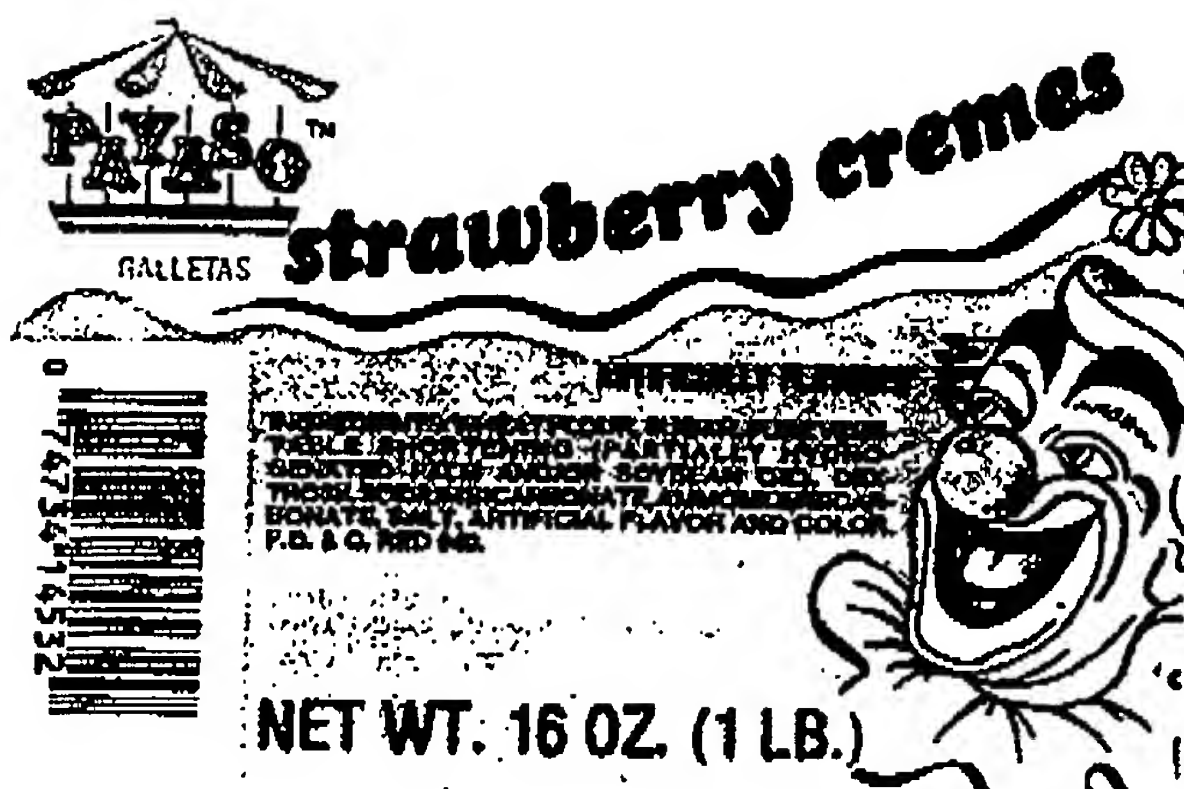
**COMBINED AFFIDAVIT OF USE AND INCONTESTABILITY**  
**UNDER SECTIONS 8 AND 15**  
**OF THE TRADEMARK ACT OF JULY 5, 1946**

RICHARD RODRIGUEZ declares that: he is the Vice President of Mercado Latino, Inc., a California corporation, and is authorized to execute this affidavit on behalf of said corporation; that applicant, Mercado Latino, Inc., is the owner of Registration No. 1,667,727 issued December 10, 1991; that the mark shown thereon has been in continuous use in interstate commerce by registrant for five consecutive years from at least as early as about May 23, 1988 to the present on all the goods recited in the registration, which are non-whipped dairy based dessert toppings in Class 29 and cookies and caramel candies in class 30; that said mark is still in use in interstate commerce, as evidenced by the attached specimens showing the mark as currently used on dessert products, toppings and drinks, in Class 29 and cookies, gums, and assorted candies in Class 30; that there has been no final decision adverse to registrant's claim of ownership of said mark, to its right to register the same or maintain it on the register, and that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts; that all statements

made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or application or any registration resulting therefrom.

Dated: March 9, 2007

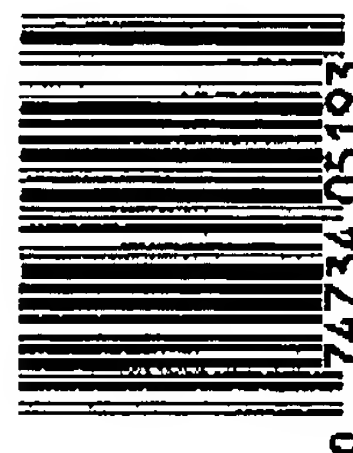
  
RICHARD RODRIGUEZ, Vice President



INGREDIENTS: Milk, Sugar, Corn Syrup, Modified Food Starch, Vanilla Flavor, Sodium Bicarbonate, Fatigues After Eating.

Try it with all types of fruits and cheeses. Excellent with desserts such as ice cream, flan, cookies, or as a cake filler. Spread it on toast or waffles. Try Gajeta in your own recipe or by itself.

PACKED FOR  
PROVEEDORA DE ALIMENTOS  
DEL PACIFICO Y CIA  
LOS ANGELES, CA 90040





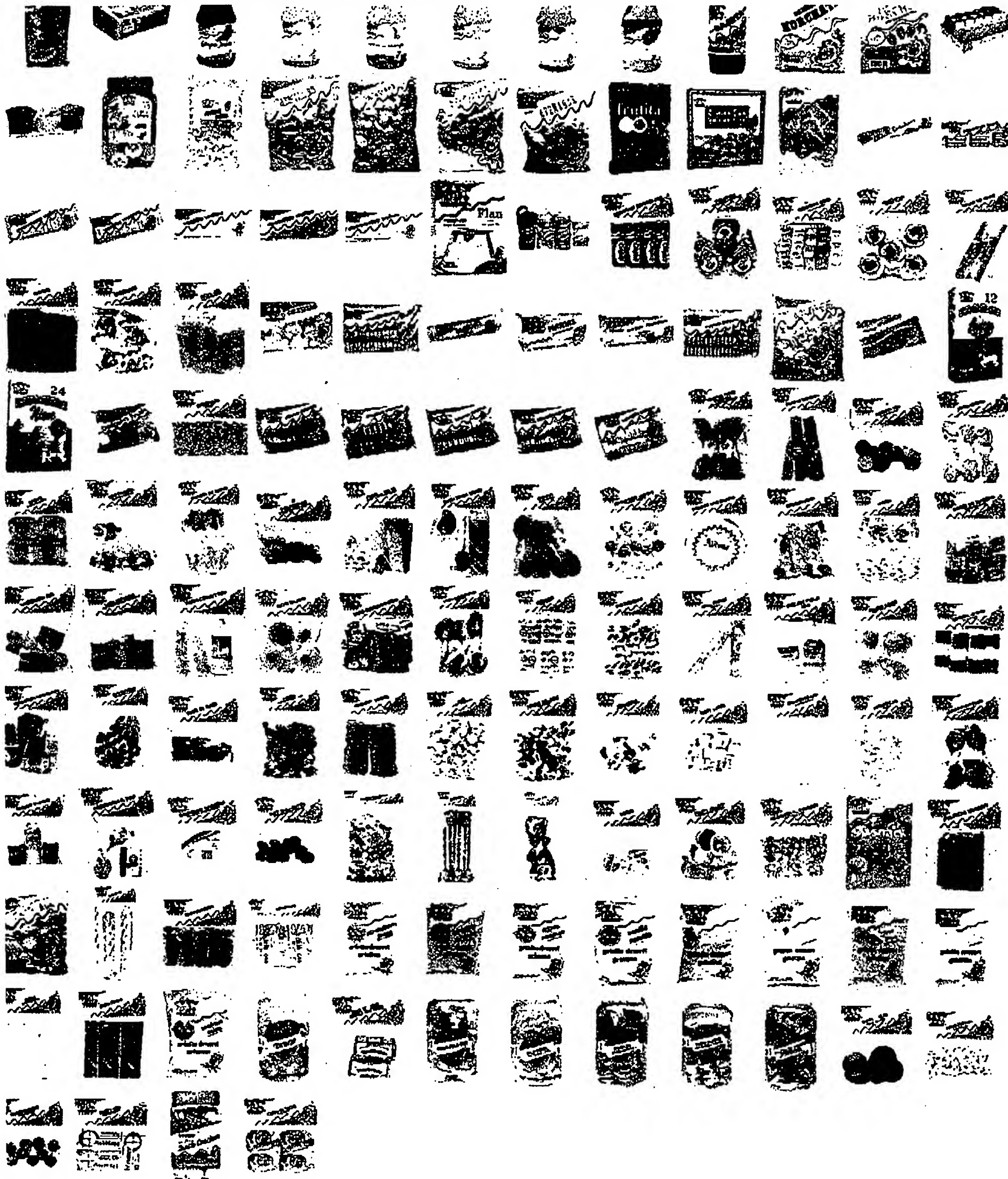
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F-457



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